

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Marco Antonio VILLARREAL

CRIMINAL COMPLAINT

Case Number: **2:18mj5392**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about November 30, 2018 in Kenedy County, in the Southern District of Texas defendant, **Marco Antonio VILLARREAL**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Brian Carter

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

December 2, 2018 at 12:15 pm

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Complainant

Brian Carter

Printed Name of Complainant

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Synopsis:

On November 30, 2018, Marco Antonio VILLARREAL was arrested at the Sarita, Texas Border Patrol Checkpoint for attempting to smuggle three illegal aliens.

Probable Cause/Facts:

On November 30, 2018, Border Patrol Agent (BPA) J. Bradstreet was working the primary inspection area of the Sarita, Texas Border Patrol Checkpoint.

At approximately 9:50 p.m., a white Freightliner tractor truck displaying Texas license plates pulling a trailer with Wisconsin license plates approached the primary inspection area.

When the tractor trailer approached primary inspection there was one visible occupant, the driver, Marco Antonio VILLARREAL. When the tractor trailer stopped to be inspected, BPA Bradstreet asked VILLARREAL where he was going. VILLARREAL responded by telling BPA Bradstreet that he was hauling a load of strawberries to Wisconsin. BPA Bradstreet then asked VILLARREAL where he was coming from. VILLARREAL stated that he was coming from San Juan. BPA T. Greathouse along with his service canine were conducting a non-intrusive, free air sniff on the exterior of the truck and trailer. BPA Greathouse advised BPA Bradstreet that his service canine was alerting to the rear of the cab of the tractor. At that time BPA Bradstreet asked VILLARREAL if he was a United States Citizen and if the tractor belonged to him. VILLARREAL responded by saying that he is a naturalized U.S. citizen and that the tractor belonged to him. BPA Bradstreet then directed VILLARREAL to park in the secondary inspection area for further inspection of the truck and trailer due to the canine alert.

Once in secondary, VILLARREAL was escorted into the waiting area by BPA M. Gonzalez. At that time, BPA Greathouse was walking his service canine over to the secondary area when his k-9 immediately alerted to the rear cab area of the tractor. BPA Greathouse then opened the door of the tractor, and his service canine went directly to the sleeper bed. BPA Greathouse proceeded to lift up the sleeper bed and discovered three concealed males hiding in the compartment under the bed. At that time, BPA Greathouse, relayed via his service radio to the other agents that he had discovered subjects in the sleeper.

All three subjects were removed one by one from the compartment and at that time BPA J. Bennett identified himself to the subjects as a Border Patrol Agent. Bennett conducted an immigration inspection on them and determined that they were aliens illegally present in the United States. All three illegal aliens and VILLARREAL were placed under arrest, and were escorted into the checkpoint for further questioning and processing.

During questioning and processing the illegal aliens stated that the driver, VILLAREAL took their phones and they wanted them back. Agents asked VILLARREAL where the phones were

and VILLARREAL told the agents that the phones were in a compartment between the driver and passenger seats.

Note: \$5,743 was found in an envelope in VILLARREAL's pants pocket.

Miranda Rights:

The principal was read his Miranda Rights in his preferred language. He understood his rights and was willing to provide a statement without the presence of an attorney.

Later, when traveling from the Sarita, Texas Border Patrol Checkpoint to the Kingsville, Texas Border Patrol Station VILLARREAL stated that he no longer wanted to make a statement.

Smuggled aliens stated they understood their rights and were not willing to provide statements without the presence of an attorney.

Principal Statement (Marco Antonio VILLARREAL)

No statement provided.

Material Witness (Aly ALONZO-Tecaxo)

No statement provided.

Material Witness (Erasmus MARTINEZ-Martinez)

No statement provided.

Material Witness (Onesimo RAMIREZ-Mazadiegos)

No statement provided.

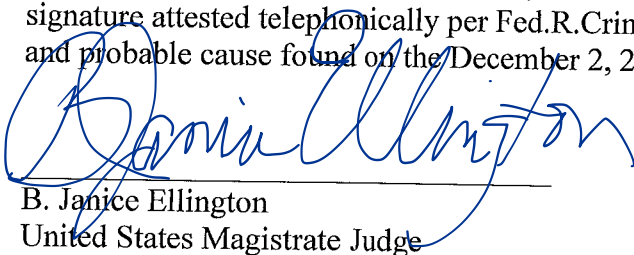
Disposition:

The facts of this case were presented to Assistant United States Attorney David Paxton who accepted Marco Antonio VILLARREAL for prosecution for violating Title 8 USC 1324, Alien Smuggling. Aly ALONZO-Tecaxo, Erasmus MARTINEZ-Martinez, Onesimo RAMIREZ-Mazadiegos will be held as material witnesses in this case.



Brian Carter
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on the December 2, 2018.



B. Janice Ellington
United States Magistrate Judge